



13281 U.S. PTO  
012704

22553 U.S. PTO  
10/764556  
012704



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DIVISIONAL FILING UNDER 37 CFR 1.53(b)**

Docket No.

Prior Application:

Examiner:

Group Art Unit:

**101886/9**

TO: THE COMMISSIONER OF PATENTS AND TRADEMARKS,  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450  
U.S.A.

This is a request for filing a    continuation XX divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 10/151,891 filed on May 22, 2002, entitled "ORGANIC ELECTROCHROMIC MATERIALS FOR OPTICAL ATTENUATION IN THE NEAR INFRARED REGION" by the following inventor: Zhi Yuan WANG.

**1. COPY OF PRIOR APPLICATION AS FILED WHICH IS ATTACHED**

XX I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration as described below.

The copy of the papers of prior application as filed which are attached are as follows:

23 # pages of specification

5 # pages of claims

1 # pages of abstract

3 # sheets of drawing  
(Also complete 5 below if drawings are to be transferred.)

2 # pages of Oath or Declaration and power of attorney

\_\_\_\_\_ hereby executed as required by 37CFR §1.63

xx copy of Oath or Declaration of prior non-provisional application as allowed by 37 CFR § 1.63(d)

## 2. AMENDMENTS

XX Cancel in this application original claims 10-12, 17-18, 22 and 25 of the prior application before calculating the filing fee.

XX A Preliminary Amendment is separately attached.

## 3. INVENTORSHIP STATEMENT

XX This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are

XX the same

       less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

       This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are

       the same

       add the following additional inventor(s):

XX The inventorship for all the claims in this application is

XX the same

       not the same, and an explanation, including the ownership of the various claims

## 4. FEE CALCULATION

XX Small Entity Status Claimed under 37 CFR 1.27



13281 US PTO  
012704

- 3 -

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Basic Filing Fee				\$ 385.00
Claims	# Filed	# Extra	Rate	
Total	18 - 20	= 0 X	\$ 9 =	\$ 0
Independent	3 - 3	= 0 X	\$ 43 =	\$ 0
Multiple Dependent Claims		X	\$145 =	\$ 0
TOTAL FILING FEE				\$385.00

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#### 5. DRAWINGS

Transfer the drawings from the prior application to this application and, subject to item 10 below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file.

Transfer the sheets of drawings from the prior application to this application.

New drawings are enclosed:  formal  informal.

#### 6. PRIORITY - 35 U.S.C. 119

Priority of:  
United States Provisional Patent Application 60/292,959, filed on  
May 24, 2001 and  
Canadian Patent Application 2,348,288, filed on May 24, 2001

#### 7. RELATE BACK - 35 U.S.C. 120

Amend the specification by inserting before the first line in the sentence:

This is a continuation of application serial no. filed on .

XX This is a divisional of co-pending application serial no.  
10/151,891 filed on May 22, 2002.

**8. ASSIGNMENT**

XX The prior application is assigned of record, a copy of which is enclosed.

XX Assignment recorded in PTO on October 31, 2002 under Reel 013450 and Frame 0633.

       An Assignment of the invention is attached.

**9. FEES**

The Commissioner is hereby authorized to charge any defects or to credit any overpayments to **Deposit Account No. 501456**:

XX The "Total Filing Fee" from the chart in item 4.

XX Any additional fees under 37 C.F.R. 1.16 or 1.17.

A duplicate copy is enclosed for any Deposit Account activity.

**10. POWER OF ATTORNEY**

XX The Power of Attorney in the prior application is to **George E. Fisk** Reg. No. 22,243.

XX The power appears in the original papers in the prior application.

       Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

       A new power has been executed and is attached.

XX Address all future communications to:

**CUSTOMER NUMBER: 27220**

**BLAKE, CASSELS & GRAYDON LLP**  
20<sup>th</sup> Floor  
45 O'Connor Street  
Ottawa, Ontario  
K1P 1A4, CANADA

**11. MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION**

       A petition, fee and response have been filed to extend the term in the pending prior application until date

       Please abandon the prior application when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

       A petition, fee and response have been filed to revive the unintentionally abandoned prior application.

       Please abandon the prior application when the petition for revival in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

**12. CONDITIONAL PETITION FOR EXTENSION OF TIME IN PARENT APPLICATION**

       A conditional Petition for Extension of Time is being filed in the pending parent application.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



**George E. Fisk**  
Patent Agent for Applicant  
Registration No. 22,243

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Date: January 26, 2004